



competent and substantial evidence upon the whole record, the Commission finds as follows:

### FINDINGS OF FACT

1. The Missouri Ethics Commission (the “Commission”) is an agency of the State of Missouri established pursuant to §105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. The 1<sup>st</sup> Ward Democratic Organization is a political action committee registered with Petitioner. The 1<sup>st</sup> Ward Democratic Organization was a continuing committee from November 14, 2005 until August 27, 2010.

3. On November 14, 2005, a Statement of Committee Organization was filed with Petitioner registering the committee as a continuing committee.

4. Geraldine Guice was listed as the treasurer of Respondent Committee at all relevant times.

5. Under §130.026.5(1), RSMo, both Petitioner and the St. Louis City Board of Elections are the appropriate officers designated to receive campaign finance reports for the Committee.

6. From January 4, 2006 to September 30, 2009 Respondent Talibdin El-Amin was the elected Representative for the 57<sup>th</sup> Legislative District.

7. The 1<sup>st</sup> Ward was partially located in the 57<sup>th</sup> Legislative District in the City of St. Louis.

### Official Fund Depository Account – National City Bank

8. The statement of committee organization listed the official fund depository as National City Bank, Account Number 12 (hereinafter “NCB Account”).

9. The National City Bank Account was closed on October 31, 2006.

10. There was no official fund depository account for the 1<sup>st</sup> Ward Democratic Organization from October 31, 2006 through August 10, 2007.

Official Fund Depository Account – Reliance Bank

11. On August 10, 2007, Account Number 74 was opened at Reliance Bank (hereinafter “Reliance Account”) in the name of the 1<sup>st</sup> Ward Democratic Organization. Respondent Talibdin El-Amin was the sole authorized signer on the account. The signature card was signed by Talibdin El-Amin.

12. The official fund depository at Reliance Bank was closed on January 11, 2008 with a withdrawal of \$321.34.

13. No amended statement of committee organization was filed with Petitioner reporting BOA Account.

14. There was again no official fund depository account for the 1<sup>st</sup> Ward Democratic Organization from January 11, 2008 through March 20, 2008.

Official Fund Depository – Bank of America

15. On March 20, 2008, account number 10 was opened at Bank of America (hereinafter “BOA Account”) in the name of the 1<sup>st</sup> Ward Democratic Organization with a deposit of two contribution checks to the 1<sup>st</sup> Ward Democratic Organization totaling \$5,000.00. The sole authorized signer on the account was Talibdin El-Amin. The signature card was signed by Respondent Talibdin El-Amin. A sole proprietorship authorization and Proof of Registration of Fictitious Name was signed by Respondent Talibdin El-Amin.

16. BOA Account was forced closed by the bank on October 28, 2009.

17. No amended statement of committee organization was filed with Petitioner reporting BOA Account.

18. There was again no official fund depository account for the 1<sup>st</sup> Ward Democratic Organization from October 28, 2009 to present.

Committee Treasurer or Deputy Treasurer

19. On its Statement of Committee Organization Respondents solely listed Respondent Guice as the Treasurer of Respondent Committee.

20. Respondent Talibdin El-Amin was the sole signer on the official fund depository at Reliance Bank.

21. Respondent Talibdin El-Amin was the sole signer on the official fund depository at Reliance Bank.

22. Respondent Talibdin El-Amin, was the only person who signed checks on the official fund depository at Reliance Bank.

23. Respondent Talibdin El-Amin was the sole signer on the official fund depository at Bank of America.

24. Respondent Talibdin El-Amin, was the only person who signed checks on the official fund depository at Reliance Bank.

Campaign Finance Disclosure Reports

25. Respondents filed the following campaign finance limited activity statements untimely: January 2008 Quarterly, on March 4, 2008; 30 Day After Primary Election, due September 4, 2008, on October 20, 2008; October 2008 Quarterly on October 20, 2008; 30 Day After General Election, due December 4 2008, on January 1, 2009; April 2009 Quarterly on September 10, 2009; July 2009 Quarterly on September 10, 2009; October 2009 Quarterly on November 29, 2009; and the January 2010 Quarterly on February 7, 2010.

26. Respondents failed to file the 8 Day Before General Election Report due October 27, 2008 for contributions and expenditures made between October 1, 2008 through October 23 2008 although records from the official fund depository from Bank of America show the following contributions made during that period:

| <b>Date</b> | <b>Contributions Received</b>   | <b>Amount</b> |
|-------------|---|---------------|
| 10/20/08    | Life Sciences Fund of the Greater Kansas City Chamber of Commerce PAC | \$1,000.00    |
|             | <b>Expenditures Made</b>  |               |
| 10/3/08     | Talibdin El-Amin  | \$582.00      |
| 10/6/08     | Overdraft Item Fee Activity of 10/3/8                                 | \$35.00       |
| 10/22/08    | Counter Debit   | \$158.60      |

27. Respondents failed to file the April, July, and the October 2010 Quarterly Disclosure Reports.

Limited Activity Statements

28. The only full campaign finance disclosure report filed by Respondents was the October 2007 Quarterly Disclosure Report.

29. Respondents filed limited activity reports for January 2008 Quarterly, 30 Day After 2008 Primary; and the 30 Day After 2008 General Election although the Respondents received the following contributions and made the following contributions and expenditures:

| <b>January 2008 Quarterly Period</b> |   |            |
|--------------------------------------|---|------------|
| <b>Contributions Received</b>        |   |            |
| 10/12/07                             | All Children Matter-Missouri                | \$1,000.00 |
| 10/18/07                             | Greater Kansas City Chamber of Commerce PAC | \$1,000.00 |
| 10/18/07                             | MO State Chiropractors Assoc PAC            | \$500.00   |
| 10/18/07                             | Alan Mandel                                 | \$1,000.00 |
| 11/20/07                             | Soldiers Plumbing Inc                       | \$1,000.00 |

|          |   |            |
|----------|---|------------|
| 11/20/07 | Ann L Michael   | \$300.00   |
| 11/20/07 | Kathleen M Iwema  | \$300.00   |
| 11/20/07 | Missourians For Koster                                      | \$500.00   |
| 12/27/07 | Greater Kansas City Chamber of Commerce PAC                 | \$500.00   |
|          | Total Contributions Received                                | \$6,100.00 |
|          | <b>Expenditures</b>   |            |
| 10/11/07 | Phillip Betts   | \$225.00   |
| 10/16/07 | Fast Signs  | \$731.80   |
| 10/16/07 | Union Market  | \$40.00    |
| 10/17/07 | Scats A Kisty   | \$372.86   |
| 10/17/07 | Massage Envy  | \$117.00   |
| 10/17/07 | John's Pipe Shop  | \$527.74   |
| 10/18/07 | Rosalind Guy  | \$175.00   |
| 10/19/07 | Salama Market   | \$800.00   |
| 10/19/07 | Talibdin El-Amin  | \$3,290.37 |
| 10/23/07 | Economical Mailing  | \$1,150.00 |
| 10/29/07 | POS Debit Make My Calls, Inc.                               | \$1,245.00 |
| 10/30/07 | St Louis ARGUS  | \$3,265.40 |
| 10/30/07 | YC Young  | \$30.00    |
| 11/01/07 | POS Debit Sun Rental Bridgeton                              | \$262.15   |
| 11/02/07 | Boss Bros   | \$375.00   |
| 11/05/07 | POS Debit Kings Phillips                                    | \$49.64    |
| 11/06/07 | POS Debit Avis Rent-A-Car                                   | \$300.97   |
| 11/06/07 | UAPO  | \$250.00   |
| 11/07/07 | POS Debit Goody Goody Diner Inc                             | \$15.44    |
| 11/07/07 | POS Debit Office Depot                                      | \$627.43   |
| 11/13/07 | Latifah Shahid  | \$1,250.00 |
| 11/20/07 | Foreign ATM Withdrawal - 3412 N Union Blvd St Louis         | \$241.95   |
| 11/20/07 | Metro Sentinel  | \$425.00   |
| 11/23/07 | Tech One  | \$440.00   |
| 11/26/07 | Foreign ATM Withdrawal - 777 Casino Center Dr Maryland Hgts | \$203.50   |
| 11/26/07 | Sydney L Claw John Solar Talks Production                   | \$212.32   |

|          |   |             |
|----------|---|-------------|
| 11/27/07 | Foreign ATM Withdrawal - 12095 Benham St Louis                  | \$101.95    |
| 11/27/07 | Rose Stephens   | \$166.00    |
| 11/29/07 | POS Debit Amoco Oil   | \$47.33     |
| 11/29/07 | Foreign ATM Withdrawal - 721 Tucker St Louis                    | \$81.95     |
| 12/03/07 | POS Debit Sheraton Hotels New Orleans LA                        | \$21.83     |
| 12/06/07 | Citizens For Tishaura Jones                                     | \$325.00    |
| 12/06/07 | NSF Charge  | \$25.00     |
|          | Total Expenditures Made   | \$17,392.63 |
|          |   |             |
|          | <b><u>30 Day After 2008 Primary</u></b>                         |             |
|          | <b>Contributions Received</b>                                   |             |
| 7/31/08  | All Children Matter-Missouri                                    | \$1,000.00  |
| 8/4/08   | Farid,LP  | \$500.00    |
| 8/4/08   | Williams for Treasurer  | \$400.00    |
| 8/4/08   | Jawed H Siddiqui or Fatima Nasreen Siddiqui or Nadia H Siddiqui | \$500.00    |
| 8/4/08   | Jawed H Siddiqui or Fatima Nasreen Siddiqui or Nadia H Siddiqui | \$500.00    |
| 8/4/08   | Murphy for Sheriff  | \$200.00    |
|          | Total Contributions Received                                    | \$3,100.00  |
|          | <b>Expenditures Made</b>  |             |
| 8/5/08   | Cash Withdrawal 8110  | \$1,600.00  |
| 8/6/08   | US Bank Balance Inquiry   | \$2.00      |
| 8/7/08   | Mannekes Logowear   | \$364.23    |
| 8/8/08   | US Bank Balance Inquiry   | \$2.00      |
| 8/8/08   | US Bank Withdrawal  | \$43.00     |
| 8/8/08   | US Bank Withdrawal  | \$2.00      |
| 8/19/08  | Transfer to overdrawn related acct - Fdes Nc: Nbk9B49           | \$563.47    |
| 8/29/08  | Monthly maintenance fee   | \$12.00     |
|          | Total Expenditures Made   | \$2,588.70  |
|          |   |             |
|          | <b><u>30 Day After 2008 General Election</u></b>                |             |
|          | <b>Contributions Received</b>                                   |             |
| 10/28/08 | Missouri Votes  | \$2,750.00  |
| 11/3/08  | Missourians for Quality Homecare                                | \$500.00    |

|          |                              |            |
|----------|------------------------------|------------|
|          | Total Contributions Received | \$3,250.00 |
|          | <b>Expenditures Made</b>     |            |
| 10/31/08 | Monthly maintenance fee      | \$12.00    |
| 11/3/08  | Cash Withdrawal 8110         | \$1,700.00 |
| 11/13/08 | Cash Withdrawal 8110         | \$474.00   |
| 11/21/08 | Cash Withdrawal 8110         | \$740.00   |
| 11/25/08 | Cash Withdrawal 8110         | \$450.00   |
| 11/28/08 | Monthly maintenance fee      | \$12.00    |
|          | Total Expenditures Made      | \$3,388.00 |

Contributions Received

30. Respondents failed to report the following contributions, including the name, address of the contributor which were deposited into the Reliance Account in the amount of \$7,100.00:

| <u>Deposit Date</u> | <u>Description</u>                          | <u>Credit</u> |
|---------------------|---|---------------|
| 08/10/07            | Deposit                                     | \$1,000.00    |
| 10/12/07            | All Children Matter-Missouri                | \$1,000.00    |
| 10/18/07            | Greater Kansas City Chamber of Commerce PAC | \$1,000.00    |
| 10/18/07            | MO State Chiropractors Assoc PAC            | \$500.00      |
| 10/18/07            | Alan Mandel                                 | \$1,000.00    |
| 11/20/07            | Soldiers Plumbing Inc                       | \$1,000.00    |
| 11/20/07            | Ann L Michael                               | \$300.00      |
| 11/20/07            | Kathleen M Iwema                            | \$300.00      |
| 11/20/07            | Missourians For Koster                      | \$500.00      |
| 12/27/07            | Greater Kansas City Chamber of Commerce PAC | \$500.00      |
|                     | Total                                       | \$7,100.00    |



31. Respondents failed to report the following contributions, including the name, address of the contributor which were deposited into the Bank of America account in the amount of \$12,675.00:

| <u>Date</u> | <u>Description</u>  | <u>Amount</u> |
|-------------|---|---------------|
| 03/20/08    | Paric Corporation   | \$2,500.00    |
| 03/20/08    | McEagle Pool Account  | \$2,500.00    |
| 7/31/08     | All Children Matter-Missouri  | \$1,000.00    |
| 8/4/08      | Farid,LP  | \$500.00      |
| 8/4/08      | Williams for Treasurer  | \$400.00      |
| 8/4/08      | Jawed H Siddiqui or Fatima Nasreen Siddiqui or Nadia H Siddiqui       | \$500.00      |
| 8/4/08      | Jawed H Siddiqui or Fatima Nasreen Siddiqui or Nadia H Siddiqui       | \$500.00      |
| 8/4/08      | Murphy for Sheriff  | \$200.00      |
| 10/20/08    | Life Sciences Fund of the Greater Kansas City Chamber of Commerce PAC | \$1,000.00    |
| 10/28/08    | Missouri Votes  | \$2,750.00    |
| 11/3/08     | Missourians for Quality Homecare                                      | \$500.00      |
| 4/6/09      | Counter Credit  | \$325.00      |
|             | Total   | \$12,675.00   |

Committee Expenditures

32. Respondents failed to report the following expenditures as identified as being paid from the Reliance Bank Account, including the name and address of each to whom the expenditure was made or incurred from the official fund depository in the amount of \$18,675.00:

| <u>Date</u> | <u>Description</u>       | <u>Check</u> | <u>Debit</u> |
|-------------|--------------------------|--------------|--------------|
| 08/17/07    | Checks - Automatic Debit |              | \$30.56      |
| 08/21/07    | Checks - Automatic Debit |              | \$32.66      |
| 09/10/07    | Jamaal Hassan Muhammad   | 1001         | \$275.00     |
| 09/18/07    | Salama Market            | 1002         | \$330.81     |
| 09/21/07    | Salama Market            | 1003         | \$292.00     |
| 10/11/07    | Phillip Betts            | 1004         | \$225.00     |
| 10/16/07    | Fast Signs               | 1005         | \$731.80     |

|          |  |       |            |
|----------|--|-------|------------|
| 10/16/07 | Union Market   | 1010  | \$40.00    |
| 10/17/07 | Scats A Kisty  | 1006  | \$372.86   |
| 10/17/07 | Massage Envy   | 1008  | \$117.00   |
| 10/17/07 | John's Pipe Shop   | 1009  | \$527.74   |
| 10/18/07 | Rosalind Guy   | 1011  | \$175.00   |
| 10/19/07 | Salama Market  | 1012  | \$800.00   |
| 10/19/07 | Talibdin El-Amin   | 1013  | \$3,290.37 |
| 10/23/07 | Economical Mailing   | 1014  | \$1,150.00 |
| 10/29/07 | POS Debit Make My Calls, Inc.                                  | Debit | \$1,245.00 |
| 10/30/07 | St Louis ARGUS   | 1015  | \$3,265.40 |
| 10/30/07 | YC Young   | 1017  | \$30.00    |
| 11/01/07 | POS Debit Sun Rental Bridgeton                                 | Debit | \$262.15   |
| 11/02/07 | Boss Bros  | 1021  | \$375.00   |
| 11/05/07 | POS Debit Kings Phillips                                       | Debit | \$49.64    |
| 11/06/07 | POS Debit Avis Rent-A-Car                                      | Debit | \$300.97   |
| 11/06/07 | UAPO   | 1022  | \$250.00   |
| 11/07/07 | POS Debit Goody Goody Diner Inc                                | Debit | \$15.44    |
| 11/07/07 | POS Debit Office Depot   | Debit | \$627.43   |
| 11/13/07 | Latifah Shahid   | 1018  | \$1,250.00 |
| 11/20/07 | Foreign ATM Withdrawal - 3412 N Union Blvd St Louis            | Debit | \$241.95   |
| 11/20/07 | Metro Sentinel   | 1023  | \$425.00   |
| 11/23/07 | Tech One   | 1024  | \$440.00   |
| 11/26/07 | Foreign ATM Withdrawal - 777 Casino Center Dr Maryland Heights | Debit | \$203.50   |
| 11/26/07 | Sydney L Claw John Solar Talks Production                      | 1020  | \$212.32   |
| 11/27/07 | Foreign ATM Withdrawal - 12095 Benham St Louis                 | Debit | \$101.95   |
| 11/27/07 | Rose Stephens  | 1025  | \$166.00   |
| 11/29/07 | POS Debit Amoco Oil  | Debit | \$47.33    |
| 11/29/07 | Foreign ATM Withdrawal - 721 Tucker St Louis                   | Debit | \$81.95    |
| 12/03/07 | POS Debit Sheraton Hotels New Orleans LA                       | Debit | \$21.83    |
| 12/06/07 | Citizens For Tishaura Jones                                    | 1019  | \$325.00   |
| 12/06/07 | NSF Charge   | Debit | \$25.00    |
| 01/11/08 | Withdrawal of Funds - Closed Account                           | Debit | \$321.34   |

|  |  |       |             |
|--|--|-------|-------------|
|  |  | TOTAL | \$18,675.00 |
|--|--|-------|-------------|

33. Respondents failed to report the following expenditures as identified as being paid from the Bank of America Account, including the name and address of each to whom the expenditure was made or incurred from the official fund depositor in the amount of \$12,909.00:

| <u>Date</u> | <u>Description</u>                                       | <u>Check #</u> | <u>Debit</u> |
|-------------|--|----------------|--------------|
| 3/24/08     | NSF: Returned Item Fee For Check #991                    |                | \$20.00      |
| 3/21/08     | S & M Market (Jameel Saleem Abdallah)                    | 991            | \$200.00     |
| 3/27/08     | Check Order  |                | \$65.00      |
| 3/31/08     | Talib Mumammad   | 995            | \$275.00     |
| 3/31/08     | Saundra Anderson   | 996            | \$250.00     |
| 3/31/08     | Cingular   | Debit          | \$299.88     |
| 3/31/08     | Dolce  | Debit          | \$64.00      |
| 4/1/08      | Salama Market  | 997            | \$1,000.00   |
| 4/1/08      | The Home Depot   | Debit          | \$153.94     |
| 4/2/08      | Hubbard For Senate                                       | 998            | \$300.00     |
| 4/18/08     | David Luetkemeyer  | 992            | \$750.00     |
| 4/21/08     | Withdrawal from Check 8110                               | Debit          | \$345.00     |
| 4/22/08     | The Ritz Carlton   | Debit          | \$200.00     |
| 4/22/08     | Wal-Mart   | Debit          | \$101.66     |
| 4/25/08     | Southwest Air  | Debit          | \$123.50     |
| 4/28/08     | Sydney Cain-Johnson                                      | 1151           | \$250.00     |
| 4/28/08     | Vanguard Travel Un                                       | Debit          | \$30.00      |
| 5/5/08      | Big Shark Bicycle Company                                | Debit          | \$344.70     |
| 5/5/08      | Big Shark Bicycle Company                                | Debit          | \$92.42      |
| 5/9/08      | Best Buy   | Debit          | \$393.99     |
| 5/12/08     | Overdraft Item Fee Activity of 5/9/8 Electronic Transfer |                | \$35.00      |
| 5/29/08     | NSF: Returned Item Fee For Check #993                    |                | \$35.00      |
| 6/5/08      | NSF: Returned Item Fee Check #994                        |                | \$35.00      |
| 8/5/08      | Cash Withdrawal 8110                                     |                | \$1,600.00   |
| 8/6/08      | US Bank Balance Inquiry                                  |                | \$2.00       |
| 8/7/08      | Mannekes Logowear  | 1153           | \$364.23     |

|          |   |      |             |
|----------|---|------|-------------|
| 8/8/08   | US Bank Balance Inquiry                                   |      | \$2.00      |
| 8/8/08   | US Bank Withdrawal  |      | \$43.00     |
| 8/8/08   | US Bank Withdrawal  |      | \$2.00      |
| 8/19/08  | Transfer to overdrawn related acct - Fdes Nca ( ) Nbk9B49 |      | \$563.47    |
| 8/29/08  | Monthly maintenance fee                                   |      | \$12.00     |
| 9/9/08   | Cash Withdrawal 8110                                      |      | \$300.00    |
| 9/30/08  | Monthly maintenance fee                                   |      | \$12.00     |
| 10/3/08  | Talibdin El-Amin  | 1154 | \$582.00    |
| 10/6/08  | Overdraft Item Fee Activity of 10/3/8                     | 1154 | \$35.00     |
| 10/22/08 | Counter Debit   |      | \$158.60    |
| 10/31/08 | Monthly maintenance fee                                   |      | \$12.00     |
| 11/3/08  | Cash Withdrawal 8110                                      |      | \$1,700.00  |
| 11/13/08 | Cash Withdrawal 8110                                      |      | \$474.00    |
| 11/21/08 | Cash Withdrawal 8110                                      |      | \$740.00    |
| 11/25/08 | Cash Withdrawal 8110                                      |      | \$450.00    |
| 11/28/08 | Monthly maintenance fee                                   |      | \$12.00     |
| 12/31/08 | Monthly maintenance fee                                   |      | \$12.00     |
| 1/30/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 2/19/09  | Transfer to overdrawn related account Fdes Naz Nbk7935    |      | \$72.61     |
| 2/27/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 3/31/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 4/20/09  | Cash Withdrawal from 8110                                 |      | \$300.00    |
| 4/30/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 5/29/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 6/30/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 7/31/09  | Monthly maintenance fee                                   |      | \$12.00     |
| 8/31/09  | Monthly maintenance fee                                   |      | \$12.00     |
|          | Total   |      | \$12,909.00 |

Cash Expenditures

34. Respondents made the following cash withdrawals from the Reliance Bank account which exceeded \$50.00 as follows:

| <u>Date</u> | <u>Type</u>  | <u>Amount</u> |
|-------------|--|---------------|
| 11/20/07    | Foreign ATM Withdrawal - 3412 N Union Blvd St Louis            | \$241.95      |
| 11/26/07    | Foreign ATM Withdrawal - 777 Casino Center Dr Maryland Heights | \$203.50      |
| 11/27/07    | Foreign ATM Withdrawal - 12095 Benham St Louis                 | \$101.95      |

|          |  |          |
|----------|--|----------|
| 11/29/07 | Foreign ATM Withdrawal - 721 Tucker St Louis | \$81.95  |
| 01/11/08 | Withdrawal of Funds - Closed Account         | \$321.34 |
|          | Total  | \$950.69 |

35. Respondents made the following cash withdrawals from the Bank of America account as follows:

| <u>Date</u> | <u>Type</u>                | <u>Amount</u> |
|-------------|----------------------------|---------------|
| 4/21/08     | Withdrawal from Check 8110 | \$345.00      |
| 8/5/08      | Cash Withdrawal 8110       | \$1,600.00    |
| 8/8/08      | US Bank Withdrawal         | \$43.00       |
| 9/9/08      | Cash Withdrawal 8110       | \$300.00      |
| 10/22/08    | Counter Debit              | \$158.60      |
| 11/3/08     | Cash Withdrawal 8110       | \$1,700.00    |
| 11/13/08    | Cash Withdrawal 8110       | \$474.00      |
| 11/21/08    | Cash Withdrawal 8110       | \$740.00      |
| 11/25/08    | Cash Withdrawal 8110       | \$450.00      |
| 4/20/09     | Cash Withdrawal from 8110  | \$300.00      |
|             | Total                      | \$6,110.60    |

36. The cash expenditures for 2008 exceeded \$50.00 or the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

Failure to Terminate

37. Respondents were required to terminate no later than ten days after October 28, 2009 when Respondents failed to maintain an official fund depository.

38. Pursuant to §105.959.5 and §105.961.1, RSMo a special investigator has conducted an investigation and reported findings to the Commission.

## CONCLUSIONS OF LAW

### COUNT 1 – Official Fund Depositories

1. According to §130.021.7, RSMo:

A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

2. According to §130.021.5, RSMo:

The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository...

3. According to §130.021.4(1):

Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open

4. There is probable cause to believe Respondents violated §130.021, RSMo by operating three official fund depositories and by failing to file an amended statement of

committee organization identifying one official fund depository for Respondent Committee following the opening of the Reliance and Bank of America Account in August 2007 and March 2008, respectively.

COUNT II- Committee Treasurer or Deputy Treasurer

5. According to §130.021.5(3), RSMo, each committee must file a Statement of Committee Organization containing the name, mailing address and telephone number of the committee treasurer and also its deputy treasurer (if any).

6. According to §130.021.4(1) RSMo:

.... Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate.

7. According to §130.031.2, RSMo:

Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate.

8. There is probable cause to believe that Respondents violated §130.021 RSMo and §130.031 RSMo by making expenditures solely through Talibdin El-Amin who was not the stated Committee Treasurer or Deputy Treasurer on the Statement of Committee Organization, and that Respondents did so knowingly.

COUNT III - Campaign Finance Disclosure Reports

9. According to §130.046.1, RSMo:

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure... and

(3) Not later than the fifteenth day following the close of each calendar quarter.

10. §130.046. 5(2), RSMo provides:

Notwithstanding any other provisions of this chapter to the contrary:

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.

11. There is probable cause to believe that Respondents violated §130.046, RSMo by failing to file timely eight campaign finance disclosure report as set forth in paragraph 24, by failing to file four campaign finance disclosure reports as set forth in paragraphs 25, and by filing three Statements of Limited Activity when Respondents received contributions and made



expenditures which totaled \$23,492.63; \$5,688.70; and \$6,638.00 respectively, as set forth in paragraph 29, and that Respondents did so knowingly.

#### COUNT IV - Contributions Received

12. According to §130.041.1(3)(a), RSMo:

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor...

13. There is probable cause that Respondents have violated §130.041.1(3)(a), RSMo by failing to report contributions totaling \$19,775.00, including the name and address of the contributor which were deposited into the official fund depositories, and that Respondents did so knowingly.

#### COUNT V - Committee Expenditures

14. §130.041. 1(4)(d), RSMo provides:

§130.041.1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(4) Expenditures for the period, including:

...

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure.

15. There is probable cause that Respondents have violated §130.041.1(4)(d), RSMo by failing to report expenditures totaling \$31,584.00, including the name and address of each to whom the expenditure was made or incurred from the official fund depositories, and that Respondents did so knowingly.

COUNT VI- Cash Expenditures

16. According to §130.031.2, RSMo:

Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

17. There is probable cause that Respondents violated §130.031.2, RSMo by making cash expenditures in the amount of \$7,061.29 which in excess of \$50.00 or which exceeded the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

COUNT VI - Failure to Terminate

18. According to §130.021.8, RSMo:

Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

19. According to §130.046.7, RSMo:

In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

20. There is probable cause that Respondents violated §130.021.8, RSMo and §130.046.7, RSMo no later than ten days after October 28, 2009 when Respondents failed to maintain an official fund depository.

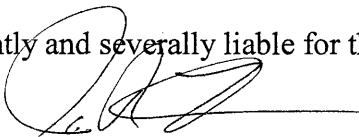
**ORDER**

The Commission finds probable cause that Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization knowingly violated, and have knowingly violated, sections 130.021.7, 130.021.5, 130.021.4(1), 130.021.5(3), 130.021.4(1), 130.031.2, 130.046.1, 130.046.5(2), 130.041.1(3)(a), 130.041.1(4)(d), 130.031.2, 130.021.8, and 130.046.7, RSMo.

It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization in the amount of \$76,420.29 pursuant to § 105.961.4(6), RSMo. It is the further order of the Commission that Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization file accurately all necessary campaign finance reports and statements. However, if either Respondent pays \$7,642.03 of that fee within sixty (60) days after the date of the Order and files all required campaign finance disclosure reports, the remainder of the fee will be stayed for two years, subject to the provisions below.

If Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, as amended during this two year stay, Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization will be required to pay the balance of the fee as originally imposed by the Commission. The amount of the balance will be due immediately upon final adjudication finding probable cause of such a violation. Respondents Talibdin El-Amin and 1<sup>st</sup> Ward Democratic Organization shall be jointly and severally liable for the balance.

Date: 9-9-2011

  
\_\_\_\_\_  
Jim Wright, Chairman  
MISSOURI ETHICS COMMISSION